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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 JEREMIE JOHNSON,
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12 *Petitioner,*

13 vs.

14 STATE OF NEVADA,
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16 *Respondents.*

3:15-cv-00315-RCJ-WGC

ORDER

17 On June 25, 2015, this court entered an order and judgment dismissing this habeas corpus action
18 under 28 U.S.C. § 2254 because petitioner had submitted an application to proceed *in forma pauperis*
19 without including a habeas petition or complaint of any kind. ECF Nos. 3/4. The following day, the
20 court received from petitioner a petition for writ of habeas corpus and a motion for appointment of
21 counsel. ECF Nos. 5/6. Then, on July 6, 2015, the court received a letter from petitioner explaining
22 that the documents were not submitted together due to a delay in making copies at his place of
23 incarceration.

24 Finding that it was the result of excusable neglect, the judgment herein shall be set aside. *See*
25 Fed. R. Civ. P. 60(b). The habeas petition shall be reviewed by pursuant to Rule 4 of the Rules
26 Governing Habeas Corpus Cases Under Section 2254.

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1 **IT IS THEREFORE ORDERED** that the order and judgment entered on June 25, 2015, (ECF
2 Nos. 3/4) are **VACATED**. The Clerk shall administratively re-open this action.

3 Dated this 9th day of July, 2015.

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6 UNITED STATES DISTRICT JUDGE
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